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January 15, 2019

VIA ECF

Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Karen Brown et al. v. City of New York et. al, 15-CV-4091 (PKC)

Your Honor:

I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, counsel for defendants Joel Guach, Agenol Ramos, and Robert O'Brien. On December 19, 2018, plaintiff submitted a letter-motion to compel discovery regarding defendants' alleged failure to retain police radio recordings (Docket Entry No. 187). For the reasons set forth herein, defendants submit that the issue is now moot.

By order dated December 20, 2018, Your Honor ordered defendants to produce an affidavit explaining the circumstances of the destruction of the audio recordings at issue in plaintiff's motion to compel. From the outset, because it was clear that the underlying incident was investigated by the Internal Affairs Bureau, this office focused its efforts on obtaining the IAB file. This office, however, was unaware that the NYPD's Transit Bureau Investigation Unit ("TBIU") maintained its own file and only learned of same during the course of our ongoing investigation and efforts to comply with the Court's order to produce an affidavit. A copy of the TBIU file, containing the audio recordings that are the subject of plaintiff's December 19th motion, will be delivered to plaintiff by hand today. Accordingly, defendants respectfully submit that plaintiff's motion to compel and/or for a discovery conference is moot.

Thank you for your attention in this matter.

Respectfully submitted,

/s/
Angharad K. Wilson
Senior Counsel

cc: All Counsel of Record (by ECF)